

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN DURRELL HOLCOMB,

Plaintiff,

No. CIV S-02-2417 LKK KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

Defendants.

ORDER

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Plaintiff is a prison inmate proceeding pro se and in forma pauperis with a civil rights action. Plaintiff has filed his fourth request for the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

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1 Plaintiff has also filed a motion titled "motion for nunc pro tunc hearing motion."
2 Plaintiff does not ask for anything in the motion. Rather, plaintiff recounts difficulties he has
3 had with discovery. This "motion" will be denied.

4 Plaintiff has filed a document titled "request leave to file freedom of information
5 act request per documents." Plaintiff has not indicated to the court, nor is it otherwise apparent,
6 why plaintiff needs a court order to make a request for information under any freedom of
7 information act. His request will be denied.

8 Plaintiff has filed a motion to compel discovery. Discovery has been closed since
9 January 28, 2005. Plaintiff's request will be denied. See August 6, 2004 Scheduling Order.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's January 29, 2007 motion for the appointment of counsel is denied.
12 2. Plaintiff's January 29, 2007 "motion for nunc pro tunc hearing motion" is
13 denied.

14 3. Plaintiff's January 29, 2007 "request leave to file freedom of information act
15 request per documents" is denied.

16 4. Plaintiff's January 29, 2007 motion to compel is denied.

17 DATED: February 6, 2007.

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19 U.S. MAGISTRATE JUDGE

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